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14 Attorneys for Defendant ARISTA NETWORKS, INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 CISCO SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.
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Case No. 5:14-cv-05344-BLF (PSG)

**DEFENDANT'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 “[I]n light of Arista’s willingness to file its antitrust claims as a separate action,” this
 2 Court denied Arista’s motion to amend its answer to assert antitrust counterclaims against Cisco.
 3 Dkt. No. 204 at 4.

4 Accordingly, pursuant to Civil Local Rule 3-12, Arista hereby notifies the Court of (1) a
 5 newly-filed action, *Arista Networks, Inc., Plaintiff v. Cisco Systems, Inc., Defendant.*, Case No.
 6 5:16-cv-00923, filed on February 24, 2016 in this District; and (2) facts indicating that the action
 7 is related to *Cisco Systems, Inc., Plaintiff v. Arista Networks, Inc., Defendant*, Case No. 14-cv-
 8 05344-BLF (PSG) (the “Cisco Action”), which is assigned to this Court. Civil Local Rule 3-12
 9 further provides, in pertinent part:

10 An action is related to another when: (1) The actions concern
 11 substantially the same parties, property, transaction or event; and
 12 (2) It appears likely that there will be an unduly burdensome
 duplication of labor and expense or conflicting results if the cases
 are conducted before different Judges.

13 Here, the cases Arista seeks to be related satisfy these criteria. There is overlap between
 14 Cisco’s copyright claims and aspects of Arista’s antitrust claims asserted in the newly-filed case.
 15 Both actions involve the same two parties. They also implicate Cisco’s efforts to encourage
 16 industry adoption of its CLI as “industry standard” and Cisco’s subsequent policy reversal, one
 17 outgrowth of which is a subject of the instant action. *Compare e.g.*, Dkt. 64¹ (Cisco’s SAC),
 18 ¶¶ 24–30, 40–54 *with* Arista’s Compl., ¶¶ 23–32. Additionally, aspects of the discovery
 19 conducted in this action will be relevant to the newly-filed antitrust case, and vice versa.
 20 *See* Dkt. 163 at 6. The parties and the Court will benefit from the judicial efficiencies resulting
 21 from a related-case designation. Otherwise, there is a strong likelihood of duplicating labor and
 22 expense as to the similar issues that both actions raise.

23 Because the actions referred to above satisfy the criteria of Local Rule 3-12, this Court
 24 should grant Arista’s motion to relate them.

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 28 ¹ All docket references are to pleadings filed in the Cisco Action.

1 Dated: February 24, 2016

Respectfully submitted,

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6 By: /s/ Robert A. Van Nest
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